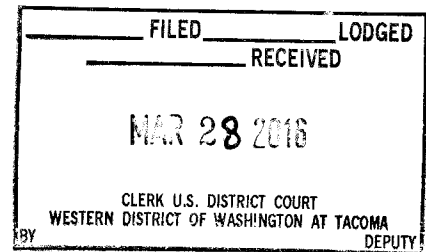


MAGISTRATE JUDGE KAREN L. STROMBOM



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER DARNELL,

Defendant.

No. CR15-5458DC

)
)
) FINDINGS AND ORDER
) ACCEPTING DEFENDANT FOR
) DEFERRED PROSECUTION,
) APPROVING TREATMENT PLAN,
) AND DIRECTING DEFENDANT TO
) TAKE TREATMENT AS
) PRESCRIBED
)

CLERK'S ACTION REQUIRED

THIS MATTER, having come on for hearing this 28th day of March
_____, 2016, upon the defendant's Petition for Deferred Prosecution; the defendant
appearing in person and by his attorney, Brett A. Purtzer of the Hester Law Group,
Inc., P.S.; the United States of America being represented by Captain Aimee R.
Murray, Special Assistant United States Attorney; the Court, having examined and
incorporated into the record Petitioner's Petition and Statement in support of
deferred prosecution, the evaluation and treatment report prepared by Social
Treatment Opportunity Program (S.T.O.P.), and the files and records herein, being
fully advised in the premises, does now make and enter the following:

Findings and Order re: Deferred Prosecution - 1

HESTER LAW GROUP, INC., P.S.
1008 SOUTH YAKIMA AVENUE, SUITE 302
TACOMA, WASHINGTON 98405
(253) 272-2157

I. FINDINGS OF FACT

A. On or about the 23rd day of October, 2015, Petitioner was charged with the offense charged in the Information. This offense occurred as a direct result of alcoholism/chemical dependency problems;

B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

C. The probability of similar misconduct in the future is great if the problem is not treated.

D. Petitioner is amenable to treatment;

E. An effective rehabilitative treatment plan is available to Petitioner through Social Treatment Opportunity Program (S.T.O.P.), an approved treatment facility as designated by the laws of the State of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

F. That Petitioner agrees to comply with the terms and conditions of the program offered by the treatment facility as set forth in the diagnostic evaluation from S.T.O.P., attached to the Statement of Petitioner filed herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to the Statement of Petitioner filed herewith;

H. That Petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held

1 subsequent to revocation of this Order Granting Deferred Prosecution and that these
2 reports will be used to support a finding of guilt;

3 I. The petitioner has acknowledged and waived the right to testify, the
4 right to a speedy trial, the right to call witnesses to testify, the right to present
5 evidence in his defense and the right to a jury trial.

6 From the foregoing FINDINGS OF FACT, the Court draws the following:

7
8 **II. CONCLUSIONS OF LAW**

9 A. That the above-entitled Court has jurisdiction over the subject matter
10 and Petitioner, Christopher M. Darnell, in this case;

11 B. That Petitioner's Petition for Deferred Prosecution meets the
12 requirements of RCW 10.05 et seq.;

13 C. That the diagnostic evaluation and commitment to treatment meets the
14 requirements of RCW 10.05.150;

15 D. That Petitioner is eligible for deferred prosecution.

16 **III. ORDER**

17 Having made and entered the foregoing FINDINGS OF FACT and
18 CONCLUSIONS OF LAW, it is hereby

19 ORDERED that the defendant is accepted for deferred prosecution. The
20 prosecution of the above-entitled matter is hereby deferred for five (5) years
21 pursuant to RCW 10.05 et seq., upon the following terms and conditions:

22 A. Petitioner shall be on probation for the deferral period and follow the
23 rules and regulations of probation;
24
25

1 B. Petitioner shall enroll in and successfully complete the two-year
2 treatment program recommended by S.T.O.P. according to the terms and conditions
3 of that plan as outlined in the diagnostic evaluation, a true copy of which is attached
4 to the Petition and incorporated herein by reference. Petitioner shall not change
5 treatment agencies without prior Probation approval;

6 C. The treatment facility, S.T.O.P., shall file with the United States
7 Probation Office status reports of Petitioner's compliance with treatment, monthly
8 during the first year of the deferred prosecution period and every three (3) months
9 during the second year. The Court may increase the frequency of these reports at
10 its discretion;

11 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
12 change;

13 E. Petitioner shall abstain during the deferred prosecution period from any
14 and all consumption of alcoholic beverages and/or non-prescribed mind-altering
15 drugs;

16 F. Petitioner shall not operate a motor vehicle on the public highways
17 without a valid operator's license and proof of liability insurance sufficient to comply
18 with the state laws on financial responsibility;

19 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
20 related offenses or other criminal offenses during the period of deferral;

21 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
22 questioned, or cited by law enforcement;

1 I. In the even that Petitioner fails or neglects to carry out and fulfill any
2 term or condition of his treatment plan or violates any provision of this Order or any
3 rule or regulation of his probation officer, upon receiving notice, the Court shall hold
4 a hearing to determine why Petitioner should not be removed from deferred
5 prosecution and prosecuted for the offense charged;

6 J. In the event the Court finds cause to revoke this deferred prosecution,
7 the stipulated police reports shall be admitted into evidence, and Petitioner shall
8 have his guilt or innocence determined by the Court;

9 K. That the Statement of Defendant for Deferred Prosecution shall remain
10 sealed and all subsequent reports or document relating to his treatment information
11 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

12 L. That the Department of Licensing be notified of this Order accepting
13 the Petitioner for deferred prosecution;

14 M. Upon proof of Petitioner's successful completion of five years deferral
15 period in this Order, the Court shall dismiss the charges pending against Petitioner.

16 N. Additional conditions: _____
17
18
19
20

21 DONE IN OPEN COURT this 28 day of March, 2016.

22
23 

24 KAREN L. STROMBOM
25 United States Magistrate Judge

1 Presented by:

2 HESTER LAW GROUP, INC., P.S.
3 Attorneys for Petitioner

4 By: /s/ Brett A. Purtzer
5 BRETT A. PURTZER
6 WSBA #17283

7 I have received a copy of the foregoing Order of Deferred Prosecution. I have
8 read and understand its contents, and agree to abide by the terms and conditions
9 set forth herein.

10 Dated: March 28, 2016


11 CHRISTOPHER M. DARNELL
12 Petitioner

13 I certify that a copy of this signed Order was mailed to the subject treatment
14 facility, on March 28, 2016. The United States Probation Office was
15 also furnished a copy of this Order.


16 CLERK